

REMARKS**Interview Summary**

Applicants respectfully thank the Examiner for her suggestion of a possible allowable claim. Applicants have, however, amended the claim language in order to accurately recite the traits with the allele. Support for such language is found in the specification as filed, but specifically on page 22, starting at line 10. Applicants have made an earnest effort to place the present application in proper form for allowance with these amendments to the Examiner's suggested claim only necessitated to be scientifically accurate. The Examiner is thanked for her help with the claim language.

Claim Rejections-35 USC § 112, first paragraph

Claims 1-2, 4-11, 20-23, 29-30, and 32-37 were rejected under 35 USC 112, first paragraph. The Examiner states:

[T]he specification, while being enabling for methods of identifying a pig which possesses a genotype indicative of the pig having less back fat than pigs with a different genotype, indicative of the pig having a lower daily gain than pigs with a different genotype, or of pigs having a lower feed intake than a pig with a different genotype, wherein said method comprising screening DNA of the pig for a G → A point mutation at position 678 of SEQ ID NO: 1 (of the sequence listing) and wherein the absence of the mutation is indicative of a pig having the recited traits, does not reasonably provide enablement for methods which screen other animals or methods which utilize other polymorphisms. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

PTO Paper at 2-4.

Claims 1 and 33 have been amended to more clearly define that the methods read on pigs.

Claims 3-6 and 12-32 have been cancelled.

Claim Rejections-35 USC § 112, second paragraph

Claims 1-11, 20-23, 29, 30, and 34-36 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention.

The Examiner states:

Claim 1 was rejected as being indefinite because it is not clear how the method steps of the claim accomplish the goal of the method as set forth in the preamble. Applicant has clarified the goal of the method to recite a "method for identifying an animal which possesses a genotype associated with one or more favorable metabolic traits..." however, the methods steps are directed towards detecting a polymorphism. The method steps of claim 1 do not set forth particularly and distinctly how the identification of animals recited in the preamble take place, or that it does take place. Therefore, it is not clear if the method is intended to be a method for identifying an animal or a method for detecting a polymorphism. Claims which depend from claim 1 are indefinite for this reason as well.

PTO Paper at 6.

Claim 1 has been amended to correlate the method steps of the claim to the preamble. With regards to the dependent claims Applicants submit that independent claim 1 has been amended and claims which depend from it contains by virtue of their dependency, all the limitations of amended independent claim 1. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 20-23, 29, and 30 have been cancelled.

Next, the Examiner states with regards to claim 5 the following:

[T]he phrase "the marker" lacks proper antecedent basis in the claims because the claim does not previously recite a marker.

Id.

Applicants have cancelled claim 5, thereby rendering this rejection moot.

The Examiner further states claims 20-23 are indefinite for failing to recite a final process step which agrees back with the preamble.

PTO Paper at 7.

Applicants have cancelled claims 20-23, thereby rendering this rejection moot.

Next, claim 21 was rejected as being indefinite. The Examiner states:

In claim 21, the phrase "the desired genotype" lacks proper antecedent basis because the claims do not previously set forth a desired genotype.

Id.

Applicants have cancelled claim 21, thereby rendering this rejection moot.

Claim 22 was rejected as being indefinite. The Examiner states:

The recitation of "at base 678 of the amplified product" because claim 21 recites two amplified products and it is not clear which amplified product the claim intends. Furthermore, the claim is indefinite over the recitation "when a restriction enzyme which cuts at the same recognition site as *Taq I* is used" because it is not clear when the restriction enzyme is used or what it is used to digest. That is, is the restriction enzyme the same one that is recited in line 8 of claim 21 (and thus is *Taq I*) or is being used at some other time?

PTO Paper at 8.

Applicants have cancelled claim 21, thereby rendering this rejection moot.

Claim 29 was rejected also as being indefinite. The Examiner states:

The phrase "the DNA marker known to be associated" lacks proper antecedent basis in the claims as the claim does not previously recite such a marker.

Id.

Applicants have cancelled claim 29, thereby rendering this rejection moot.

Claims 34-36 are indefinite. The Examiner states:

The recited primer pairs will not produce a PCR sequence that has a polymorphic site at position 678 of the amplification product, thus it is not clear how one can practice the method of claim 2 which requires detecting a polymorphic site at position 678 of the PCR

sequence. It appears that the amplification products produced using the recited primer pairs produce a product that is different from SEQ ID NO:1, yet these claims depend from claims 2 and 1 which require detecting a polymorphism at position 678 of SEQ ID NO:1, and detecting the polymorphism at position 678 of a PCR sequence.

Id.

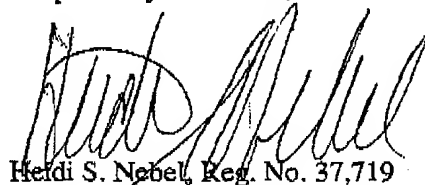
Applicants have amended claims 34-36 by changing the dependency of the claims so that the recited primer pairs will produce a PCR sequence that has a polymorphic site at position 678 of the amplification product. Applicants respectfully request that this rejection be withdrawn.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application for 3 months from October 16, 2003 to January 16, 2004.

Please charge Deposit Account No. 26-0084 in the amount of \$950.00 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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